

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Criminal Action No. |
| |) | 05-00355-01-CR-W-HFS |
| ROBERT L. HENDERSON, |) | |
| |) | |
| Defendant. |) | |

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 7, 2006. Defendant Robert Henderson appeared in person and with appointed counsel Lance Sandage. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On September 30, 2005, an indictment was returned charging Defendant with one count of possessing a firearm after having been convicted of a crime punishable by imprisonment for greater than one year, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Christopher Allen, Special Agent, ATF.

Mr. Sandage announced that he will be the trial counsel for Defendant Henderson. He may request a second, uncompensated lawyer under CJA to sit through the trial.

III. OUTSTANDING MOTIONS

Defendant's Motion to Suppress Physical Evidence (Doc. No. 39) is still pending.

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call twelve witnesses without stipulations or ten witnesses with stipulations during the trial.

Mr. Sandage announced that Defendant Henderson intends to call seven witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately twenty-five exhibits in evidence during the trial.

Mr. Sandage announced that Defendant Henderson will offer approximately five exhibits in evidence during the trial.

VI. DEFENSES

Mr. Sandage announced that Defendant Henderson will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Sandage stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to Defendant's prior felony conviction and the firearm's link to interstate commerce.

IX. TRIAL TIME

Counsel were in agreement that this case will take two and a half days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 19, 2005, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **Wednesday, June 7, 2006**;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, **Wednesday, June 14, 2006**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, **Wednesday, June 14, 2006**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and ½ inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine will probably be filed dealing with Defendant's statements.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 19, 2006. **The parties are seeking a setting on the first week of the trial docket.**

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
June 7, 2006

cc: The Honorable Howard F. Sachs
Mr. Paul Becker
Mr. Lance Sandage
Mr. Jeff Burkholder